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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,767	03/15/2002	Vishwas G. Abhyankar	83297NAB	4048

7590 06/14/2006

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EXAMINER

BURLESON, MICHAEL L

ART UNIT PAPER NUMBER

2625

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,767

Applicant(s)

ABHYANKAR ET AL.

Examiner

Michael Burleson

Art Unit

2626

-- Th MAILING DATE of this communication appears on the cov r she t with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43-58, 60-62 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 9-15, 17, 21, 22, 24, 28 and 36-38 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6-8, 18-20, 23, 25-27, 29-35, 39-42 and 63-66 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Applicant's remarks pages 11-15, with respect to the rejection(s) of claim(s) 1-62 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Application number 10000407.

Claim Objections

1. Claim 63 is objected to because of the following informalities: Applicant should recite, -- writing said preprocessed image to said media -- instead of "go to step h" within step g. Appropriate correction is required.
2. Claims 63-66 are also objected to for depending upon an objected independent claim.

Double Patenting

1. Claims 1,5,9-15,17,21,22,24,28 and 36-38 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim1 of U.S. Patent No. 10000407. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of the present application recites a system for preservation of a data record. Claim 1 of the copending application recites a system for long-term preservation of a data record. This is an obvious variation over the present application.
2. Claim 5 of the present invention corresponds to claim 7 of the copending application.
3. Claim 9 of the present invention corresponds to claim 13 of the copending application.
4. Claim 10 of the present invention corresponds to claim 14 of the copending application.
5. Claim 11 of the present invention corresponds to claim 15 of the copending application.
6. Claim 12 of the present invention corresponds to claim 16 of the copending application.
7. Claim 13 of the present invention corresponds to claim 42 of the copending application.

8. Claim 14 of the present invention corresponds to claim 43 of the copending application.
9. Claim 15 of the present invention corresponds to claim 17 of the copending application.
10. Claim 17 of the present invention corresponds to claim 17 of the copending application.
11. Claim 21 of the present invention corresponds to claim 21 of the copending application.
12. Claim 22 of the present invention corresponds to claim 30 of the copending application.
13. Claim 24 of the present invention corresponds to claim 50 of the copending application.
14. Claim 28 of the present invention corresponds to claim 7 of the copending application.
15. Claim 36 of the present invention corresponds to claim 13 of the copending application.
16. Claim 37 of the present invention corresponds to claim 14 of the copending application.
17. Claim 38 of the present invention corresponds to claim 53 of the copending application.

Allowable Subject Matter

18. Claims 43-62 are allowed.
19. Regarding claim 43, prior art references fails to teach of a method preserving data comprising processing encoded data record to provide at least one preview page and displaying the at least one preview page and accepting a print instruction.
20. Regarding claim 62, prior art references fails to teach of simulating the image quality of said image under a plurality of image processing conditions and displaying the simulated images on a display and accepting a command for processing the image according to one of the simulated images.
21. Claims 2-4,6-8,18-20,23,25-27,29-35,39-42 objected to as being dependent upon a rejected base claim, but would be allowable if the double patenting rejection is overcome, and rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. –

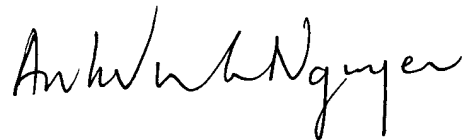
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4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471

Michael Burleson
Patent Examiner
Art Unit 2626



MIb
June 8, 2006



MADELEINE NGUYEN
PATENT EXAMINER

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